

REMARKS

Favorable reconsideration is respectfully requested.

The claims are 7 to 15.

The above amendment is responsive to points set forth in the Official Action.

The addition of 2-ethyl hexyl acrylate as a monomer in claim 7 is supported by the disclosure on page 4, line 30 of the present application. The remaining amendments are editorial and self-explanatory. Accordingly, no new matter is added and entry is respectfully requested.

Examiner Interview

Applicants thank the Examiner for the interview conducted on May 15, 2008. Claims 7-15 and the prior art rejections were discussed. The representations made by undersigned during the interview are incorporated into the present response.

Claim Objections

Claims 9-15 are objected to over various informalities. Claims 9 and 10 are currently amended to address the Examiners' objection. The recitation of acronyms have been deleted from claims 9 and 10. Accordingly, withdrawal of the claim objections is respectfully requested.

Claim Rejections – 35 U.S.C. §112

Claims 7-15 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The claims are currently amended to address this rejection.

Claim 7 is amended to delete the recitation of "a portion of".

Claim 8 is amended to delete the recitation of the trademark/tradename.

Claim 7 is currently amended to provide proper antecedent basis for the recitation of 2-ethyl hexyl acrylate in claim 9.

Accordingly, withdrawal of the claim rejections under 35 U.S.C. §112 is respectfully requested.

Claim Rejections - 35 U.S.C. §103

Claims 7 and 11-15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Mallya et al. (U.S. 6,489,387) in view of Gerst et al. (U.S. 6,254,985).

Claims 8-10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Mallya et al. (U.S. 6,489,387) in view of Gerst et al. (U.S. 6,254,985) and further in view of Richards et al. (U.S. 2004/00767854). (The Examiner clarified during the interview that this rejection includes Richards et al. although not mentioned at page 6, section 10 of the Official Action).

Applicants respectfully traverse each of these rejections.

Mallya et al. in view of Gerst et al. do not disclose or suggest the process of claim 7.

Mallya et al. teaches the use of different surfactants from the ethoxylated alkyl phenol sulfates of the present invention. One of ordinary skill in the art reading Mallya et al. would not be motivated to select a different surfactant from those described therein given the difficulties of achieving good water-whitening resistance.

Gerst et al. also does not teach the use of the presently claimed ethoxylated alkyl phenol sulfates. In fact, Gerst et al. teaches that it is important to add a hydrazine derivative with at least two hydrazine residues per molecule. This would teach one of ordinary skill in the art away from the process of the present invention.

Accordingly, withdrawal of the rejection of Mallya et al. in view of Gerst et al. is respectfully requested.

Claims 8-10 are also not disclosed or suggested by Mallya et al. in view of Gerst et al. and Richards et al.

The Examiner has acknowledged that the present claims are in fact novel over Mallya et al. who, for example, does not disclose styrene monomer. Mallya et al. also teaches the use of a very specific surfactant mixture. Mallya et al. teaches a non-ionic surfactant containing at least 8 moles ethylene oxide per mole of anionic surfactant containing less than about 10 moles ethylene oxide per mole. Mallya et al. expressly teaches that the level of ethoxylation has to be about 10 moles per mole surfactant or less, preferably 4 moles ethylene oxide units per molecule. This is taught by Mallya et al. as being required for good water-whitening resistance. Mallya et al. goes on to teach that when the average number of moles of ethylene oxide is too high, opacities tend to be high.

Accordingly, Mallya et al. expressly teaches away from use of the surfactants of the present invention which contain 20 moles of ethylene oxide per molecule. Gerst et al. and do not teach the use of ethoxylated alkyl phenol sulfates. One of ordinary skill in the art would not combine Mallya et al. with Richards et al. since Mallya et al. teaches away from surfactants using more than 20 moles of ethylene oxide per molecule as discussed above.

Therefore, claims 8-10 are not disclosed or suggested by Mallya et al. in view of Gerst et al. and Richards et al.

The Examiner asserts in the Official Action that Mallya et al. teaches that anionic surfactants with higher levels of ethylene oxide may be used. The Examiner cites column 5, lines 54-57 of Mallya et al. in support of this assertion.

In reply, Applicants point out that Mallya et al. would be understood by one of ordinary skill in the art to be referring to anionic surfactants that have only slightly more than about 10 moles per mole surfactant of ethylene oxide units per molecule. This is because of the negative effects on water-whitening resistance taught by Mallya et al. for anionic surfactants with more than about 10 moles ethylene oxide per mole surfactant as discussed above.

One of ordinary skill in the art would certainly not understand Mallya et al. to teach the use of anionic surfactants which contain a significantly greater number of moles of ethylene oxide per molecule, such as 20 moles of ethylene oxide per molecule as, for example, presently recited in claim 8.

Claims 9-15 are each dependent on claims 7 and/or 8 and therefore are also patentable for at least the reasons given above.

Hence, the present invention is unobvious in view of the above-discussed prior art.

No further issues remaining, allowance of this application is respectfully requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact undersigned at the telephone number below.

Respectfully submitted,

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